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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,999	02/08/2000	Huan-Yu Su	00CON107P	1996

7590 07/17/2002

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT PAPER NUMBER

2654

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/499,999

Applicant(s)

SU, HUAN-YU

Examiner

Angela A. Armstrong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-27 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-27 and 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,10,14. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-27 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al (US Patent No. 5,761,634) in view of Otani (US Patent No. 6,400,693).

3. Stewart discloses a method and apparatus for making rate selections for speech encoders. Regarding claims 1-7, 9, 16-21, 42, and 45, Stewart discloses a speech data rate determiner at col. 3, lines 14-15. Stewart further discloses a plurality of speech data encoders at Figure 1, element 105. Stewart also teaches that the encoding system allows for encoding of speech, video or data at col. 3, lines 66-67. However, Stewart does not specifically disclose that the encoding scheme of a first encoder differs from an encoding scheme of a second encoder.

4. Otani discloses a communications apparatus for multimedia information which implements a plurality of encoding schemes to implement the encoding of a variety of data, such as audio and video data for use in a television telephone apparatus or video-conferencing (col. 1, lines 9-12 and col. 8, lines 14-24). Otani discloses application of encoding schemes of 64kbps PCM, 64kbps, 56kbps, or 48kbps SB-ADPCM, 32 kbps ADPCM, and LD-CELP.

5. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the encoding system of Stewart to implement multiple encoding schemes as taught by Otani, for implementation in a television-telephone environment.

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6. Stewart discloses that the speech data rate determiner determines a data rate for encoding of each frame at col. 4, lines 45-65.

7. Regarding claims 10-15, 22-27, and 43-44 Stewart discloses a speech data rate determiner at col. 3, lines 14-15. Stewart further discloses a plurality of speech data encoders at Figure 1, element 105. Stewart also teaches that the encoding system allows for encoding of speech, video or data at col. 3, lines 66-67. However, Stewart does not specifically disclose that the encoding scheme of a first encoder differs from an encoding scheme of a second encoder.

8. Otani discloses a communications apparatus for multimedia information which implements a plurality of encoding schemes to implement the encoding of a variety of data, such as audio and video data for use in a television telephone apparatus or video-conferencing (col. 1, lines 9-12 and col. 8, lines 14-24). Otani discloses application of encoding schemes of 64kbps PCM, 64kbps, 56kbps, or 48kbps SB-ADPCM, 32 kbps ADPCM, and LD-CELP.

9. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the encoding system of Stewart to implement multiple encoding schemes as taught by Otani, for implementation in a television-telephone environment.

10. Stewart discloses a controlling DSP for passing rate selections to encoders at Figure 6, element 603. Stewart further discloses that the speech data rate determiner determines a data rate for encoding of each frame at col. 4, lines 45-65.

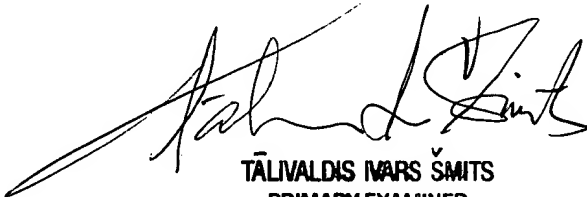
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

AAA
July 14, 2002



TĀIVALDIS NARS ŠMITS
PRIMARY EXAMINER